

**HAMILTON COUNTY BOARD OF AVIATION COMMISSIONERS**  
**MAY 4, 2006**

The Hamilton County Board of Aviation Commissioners met on Thursday, May 4, 2006 in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in a Work Session at 6:00 pm in Conference Room 1A. President Kapostasy opened the public session at 6:45 pm in the Commissioners Courtroom. Secretary Rauch took roll call and declared a quorum present of Tom Kapostasy, Tim Tolson, Don Silvey and Ted Moran. Arden Johnson was absent.

**Work Session**

Discussion was held regarding the runway pavement repair project. The quotes received on April 21, 2006 were significantly higher than the Engineer's Estimate. A new Request for Bids will be published and sent to contractors for a bid opening on May 26, 2006 at 3:00 pm. Howard will publish the Notice to Bidders. Woolpert will send out the bid specifications to the contractors. The pavement repair will require the airport be closed for 72 hours.

**Public Session**

**Approval of Minutes**

Tolson motioned to approve the minutes of April 6, 2006. Moran seconded. Motion carried unanimously.

**Public Comments**

Producer's Realty Rezone Application

Mr. Michael Andreoli, represented Producer's Realty and the Philip Caito Family Trust. Andreoli stated this group owns 160 acres located immediately south of the airport property along County Road 200. An application has been filed with the Boone County Plan Commission that will ultimately be heard by the Boone County Commissioners for a conversion of the property from a Agricultural Zoning to an I-1 Industrial Zone. Mr. Andreoli showed the Board a preliminary development layout plan. The Boone County Commissioners have indicated a desire to be very restrictive as to what goes in immediately south of the airport, in particular as it relates to residential development. The Boone County Commissioners have created a committee to look at potential overlay districts and other things in the area to help further development and solidify the zoning classifications in the area which are not detrimental but advantageous to Indianapolis Executive Airport. I-1 is an industrial classification that allows more storage such as corporate business, warehouses, other businesses that may have a commercial component, not retail and not general business. All of the uses must have inside storage, not outside storage. The I-1 classification will allow more opportunity to work with the airport to voluntarily restrict what kind of building height, etc., so whatever we are granted permission to do will work with the how the airport will function and operate. They have met with the Boone County economic development committees and planning staff. Andreoli stated they would like to work with the airport on what their needs and restrictions are such as air space, building height requirements, etc. An application has been filed and they can move forward as early as the first Wednesday in June, but he is not sure they will make that date. Andreoli welcomes any feedback the Board may have or possibly create a working group to better understand the airport's needs and concerns. Strictly from a land use standpoint, an I-1 classification is probably the most compatible along with an agricultural classification, for working with an airport. Kapostasy asked what is the process if the hearing takes place on June 7<sup>th</sup>? Andreoli stated the process is that the Boone County Plan Commission would conduct a public hearing to receive input from the public. Notice to surrounding property owners would be served. Then the Boone County Plan Commission would make a recommendation to the current Boone County Commissioners who would then be entitled to accept the recommendation or to reject it and pose whatever restrictions they want to, pursuant to statute. Then the property would be rezoned. Before development could occur a development plan would have to be filed. Many things would have to be worked out including the road system. Andreoli stated they don't want to push this for a June meeting until they have worked through the airport's concerns. Howard stated one of the issues is to get a sketch that shows the runway extended and some site distances, not only from the end of the existing runway but also from the

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end of the master plan runway. This would help with the zone for the tall structures act, the noise sensitive zone and the overlay zone. We would also like to see the covenants of the uses, especially for future owners. Andreoli stated this is a preliminary sketch and it would be helpful to gather some data from the airport so they can see where they are in the process and where the airport wants them to be. Andreoli stated a working session with their engineer would be very helpful for them. Andreoli stated they have anticipated and know they need to plan for a extended runway of 7,000'. Moran asked if we extend the runway, the Glideslope would have to be moved and if flight check comes in and says the Glideslope will have to be raised, the pilots will not like that. We are here to serve the pilots and the community. We are mostly concerned about safety of flight. To raise the Glideslope it would be a steeper angle of decent. In the planning he would caution to think along those lines in regards to the placement of the buildings on the property. Moran stated if it raises the minimum, then the traffic we are counting on to subsidize the airport, would not come into the airport. Moran asked if Boone County is on board as far as improving 200 South so that it could be used for industrial purposes? Andreoli stated it is premature to characterize any discussions he has had privately with staff. He can share that he has met with the Boone County Highway Department and they are not on board yet. County Road 200 is not even on their radar screen. Moran stated we would like to know that for our development purposes. Andreoli stated one of the things we have discussed, depending on whether we can fully develop the property, is making some monetary contribution, in a sum that has not been determined, as seed money for Boone County to start the right of way acquisition process. Before they can improve the road they will have to acquire the right of way. There may also have to be some road improvements on County Road 1100 to SR 32. A&F has done a traffic study for us and he would be happy to share that information with the Board. Ultimately there will have to be road improvements in that area if there is to be corporate development in the area. Those things are just in the preliminary discussion stage. Moran asked if this property butts up against the Zionsville School Corporation property? Andreoli stated no. The school property is at 300, there is residential development that wraps around in an "L" shape so all of the development they have on the southern border is all residential homes.

Kapostasy stated we have three issues, one is from the Woolpert point of view – by the next meeting we will need to know exactly what the overlay would be with the 7,000' we have talked about before. We would also like a recommendation as to what other land, air right acquisition opportunities would exist if this would be approved by Boone County so we could engage in discussions in a meaningful way. We would need advice on the height of the buildings and how it would affect the Glideslope. Creakbaum stated he will need to get the property description so they can analyze it. Kapostasy stated we also need to know what the acreage is on 200 South with the 7,000' runway and what our options would be and what the FAA would recommend in terms of the options we have discussed with other properties. Creakbaum stated Woolpert would like to participate in any coordination meetings they may have. Andreoli stated the maximum height in a Boone County I-1 Classification is 75'. The question is how much lower they need to be compatible with the airport. Moran stated this is the type of development we would welcome. Kapostasy stated he would recommend appointing a committee to work on this. Silvey motioned to appoint Kapostasy and Moran to serve on this committee. Tolson seconded. Motion carried unanimously. Kapostasy asked if there is any action, feedback or public pronouncement that is needed before their June 7<sup>th</sup> meeting? Andreoli stated they would like to have a working meeting and then they will need time to assimilate. Andreoli stated they don't want to notice a meeting when details still have to be worked out with the aviation board and then have to cancel the meeting. They would like to get as many of the concerns resolved before they have the public meeting. Notices would have to be sent out the week of the 15<sup>th</sup>. Kapostasy stated he will coordinate a meeting date and time and Woolpert will be included. Kapostasy stated at this point he would not seek Board approval until the sub-committee meets and brings back a recommendation. The Board agreed.

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**President's Report**

Advisory Committee

Silvey motioned to approve the following appointments to the Advisory Committee for Master Planning purposes – Mike Bacon, Brad Beaver, Jeff Burt, Ann Cavaluzzi, Charles Hanover, Tom Kapostasy, Jeff Keck, Jim Keefer, Sandy Lyman, Rick McKinney, Kristie McKillip, Dan Montgomery, Steve Niblick, Mark Owens, John Pugh, Don Silvey, Joe Turk and Mike Zeller. Tolson seconded. Motion carried unanimously.

**Committee Reports**

Site Development

Silvey stated they are continuing towards pavement repair. Quotes were opened and came in too high. Woolpert has put together new specifications and will go out to bid. Silvey motioned for the Board's concurrence with receiving new quotes for paving repair. Howard stated the bids were opened April 21st and were all beyond potential funding and estimated costs. Howard recommended the Board reject all bids received on April 21st. Silvey amended his motion to reject all bids received and go out for new quotes. Tolson seconded. Motion carried unanimously.

**Legal Counsel Report**

Pavement Repair Project

Howard stated a Notice to Bidders for the pavement repair project will be published May 9<sup>th</sup> for Bids will be received up to 2:30 p.m. on May 26<sup>th</sup> and will be opened at 3:00 p.m. The schedule for the repairs would be, weather permitting, work would begin 5:00 pm on June 9, 2006 and continue up to 72 hours until work is completed. The bidder would be requested to state the hours they would complete the process. There is a mandatory pre-bid meeting May 17, 2006 at 9:00 a.m. at the airport. In the event of a weather problem, the alternate date would be June 16<sup>th</sup>. The airport will have to be closed during the work. Dan Montgomery will notify his customers. Creakbaum stated estimated costs are \$70,000.

**Indianapolis Executive Airport Report**

Andrea Montgomery presented the 1<sup>st</sup> quarter report.

Security Cameras will be set up once construction is complete.

A copy of the RCO Temporary license was distributed. A permanent license is not issued until construction is completed.

A copy of the renewal of liability insurance coverage has been given to Silvey and Rauch for review. Montgomery requested a signature on the application.

Montgomery stated she attended an AAI Quarterly meeting and spoke to the Aviation Board from Columbus airport. Montgomery presented a copy of their quarterly newsletter for the Board to review. Columbus is doing a PR campaign and this newsletter is being distributed to all of their economic development people. This would not cost a lot of money and could be given to the economic development cooperation as well as the Indy Partnership.

The Open House will be on June 15, 2006 at 3:00 p.m. Numerous Press Releases have been sent. They will be interviewed by the Indianapolis Business Journal regarding the expansion.

The Pancake Breakfast for the Commemorative Air Force is June 24, 2006 from 9:00 a.m. – 12:00 noon. The Fly-in is from 8:00 a.m. – 2:00 p.m.

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Montgomery Aviation will have another function in August.

Kapostasy stated the Board authorized Andie Montgomery to propose items for public relations from the county budget, would this item fit within that budget? Montgomery stated you could, she is not qualified to do something of this nature. Kapostasy asked if she would feel comfortable engaging a marketing firm on our behalf? Montgomery suggested speaking with Tailored Tactics. Kapostasy asked the Public Relations Committee to work with Andie on this issue.

Kapostasy stated the finance committee will meet this month with Andie to work on the first draft of the 2007 budget.

RCO will be installed tomorrow.

Dan Montgomery stated he visited Eclipse in Albuquerque, New Mexico. Eclipse is in the process of selecting a service center. They are looking at the Chicago area and St. Louis area and we have them interested in Indianapolis. Montgomery needs to submit a bid package to Eclipse by May 15<sup>th</sup>. They want a 10,000 square foot hanger to lease and they will put their own people in it. Montgomery stated he does have a location in mind. They wanted an existing building, but Montgomery does not have one so he thought he could build them a new hanger off of the end of the concrete ramp. No taxiways would need to be put in. Kapostasy asked Woolpert how much land space would be required? Creakbaum stated you would need the same amount of area for auto parking and ancillary facilities. Montgomery stated this is important to entice them to look at Indianapolis. Kapostasy stated the Board has previously discussed the value to the airport of possibly providing a rent free location for 10-20 years for a location like this. The pros would be to bring additional jobs to the area, it would be put the airport on the map in regards to corporate traffic, it would attract other fuel sales, it would attract other activity. It would help to shape the character of the airport of what we would want it to be. The negative is that we would be giving up some future potential income. There is a limit of space at the airport that is currently approved for development of this type. In the past the Board has been receptive in pursuing this direction. Silvey asked if Eclipse would expect that type of financial aid package to get them to come? Montgomery stated a comment was made that some of the airports have said they could have the building rent free for three years. Montgomery stated he wants to look at IEA and Dan is sending him an invitation to come to the Open House. Kapostasy asked what direction can Woolpert provide? Creakbaum stated we will have come up with some preliminary schematic as to what we are going to do with them. Kapostasy asked if giving up 20,000 square feet of the airport, is a 10-year rent free lease something that is typical in this kind of situation? Chris Snyder stated the best way to describe it is a long term return on investment. Woolpert can help put together calculations on what it would cost for site preparation, building costs, Dan could look at what he would charge, what he would get in fuel and put rent aside and then put rent in as another calculation and then the Board would make the decision as to what would be acceptable to propose. Silvey asked if Woolpert can do that so Dan can meet his deadline? Snyder stated yes. Moran stated the whole thing hinges on a master plan, we don't want to just stick a hanger out there. We need to incorporate it into a location where we will have this type of activity. When will the master plan be ready? Kapostasy stated the location of the next 10-12 corporate hangers has already been identified from prior planning work. Woolpert needs to take a specific proposal and recommend where the best site will be. The only complication is that the taxiway to the planned corporate hangers may start this summer or it may be next year depending on permits and funding. Snyder stated we would first discuss if this is in line with the master plan, then look at the original investment was in the master plan and then take it to what the investment would be for this type of hanger and then go back to the return on investment to look at some kind of lease to make a determination as to what is acceptable. There is another part which is the intangible, what benefit comes from jobs or growth for the county. Kapostasy asked if during our next pre-meeting Woolpert would be prepared to review the master site plan, as well as the levels of surrounding properties, what development inside the airport looks like, etc. Moran stated in regards to Dan's deadline, he would encourage this. This would be a big coup for Hamilton County, we would generate a lot of traffic because of it.

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Montgomery stated Eclipse has orders for 2400 planes, five planes are flying. They expect their certification will be complete June 15<sup>th</sup>. Two customers will be based at IEA, with delivery of the first plane expected in December. Beaver stated he is concerned about giving away rent free hangers that have not been built yet, is Dan planning on building the hanger? What about the drainage plan? How can we put a bid in on something we are not prepared to go with right now? What is the time frame? Dan stated they want to be in the beginning of 2007. Beaver stated you physically can not do that. Moran asked if they would be able to be put them up in his space temporarily? Dan stated if we can't build a hanger he could renovate his east hanger and lease it to them. Moran asked how many airplanes are they planning on having here on a regular basis? Dan stated they don't know, they want to place 6-8 people here for a service center. Snyder asked if a compensation package has to be included with the proposal? Dan stated yes. Dan stated he would have to find a place to store the aircraft that are currently in the east hanger. Moran stated some or all of the Board members should be meeting these people at the same time and get a complete idea. Carl Winkler stated Dan began courting Eclipse in February and we have an opportunity to get them to look at us. We are at the concept stage right now. Our proposal needs to include why they should reconsider their ideas and focus on us. If we can in concept get them to agree to it on May 15<sup>th</sup>, it puts a big burden on us. We have plenty of space to put a hanger up but we are not going to get another permit until we have a new drainage plan. If they did decide to go with us we will have to get busy to get something in by 2007. Dan stated we have every requirement they are asking for, at least a 5,000' runway, a precision approach, they wanted a control tower and he told them we did not have one and one was not coming anytime soon and a 100' x 100' hanger. Kapostasy stated looking out 5-10 years from now, how many plane flights do you see being generated by this, how much in fuel sales can we expect? Dan stated Eclipse has a preferred fuel stop and he is signing up for that so they will stop at IEA to buy fuel, whether we have a service center or not. As how many Eclipses coming in per day, it is a guess, we could have 5-10 per day. There are only two big service centers chosen right now, their plan is to have 8 service centers. Andie stated you would have approximately 200-300 jets per year. Every service center is within 90 minutes, she estimates 300-400 gallons per jet service. This is about 100,000 gallons for five years. Because their service centers are small and so close to each other she can't project 10 years out. Kapostasy estimated it would be \$15,000 for the county. Kapostasy stated he is assuming, from the Board's point of view, that we are not looking to be in the business of building hangers and leasing them out, we don't have funds for that, it is not the right time to do it. The only way we would pursue this would be if Dan, some other third party or Eclipse would like to build a hanger. From the Board the question is if there is an incentive we can provide in terms of reduced or free rent that makes sense, without a commitment because Dan needs to have some authority to speak for us. Moran stated a third party is not going to build a hanger on the basis of free rent. Montgomery stated we could give them a free lease. Moran stated this is an exciting proposal, it would behoove the Board to consider all possibilities. There will be a lot of publicity for these jets. Kapostasy stated there needs to be inducement to get this firm to consider coming here. Something in the range of 10 years land rent for free on a 30 year lease, with a 5 cent per gallon rebate on whatever fuel they use. If the expectation is to provide \$15,000 for fuel fee to the county for us to offer \$3,000 - \$4,000 per year as an offset would be reasonable. Silvey stated he has no problem with that logic the question is how to express it and in what form. Snyder stated the fact that you have an existing hanger and it can be retrofitted to put them in the hanger for 2-3 years and then once you are here and working with us we could look at the site, we can build it to your needs and we will get it done as you would like it, rather than us trying to fast track it. Tolson motioned to authorize the airport manager to enter into discussions with Eclipse with inducements not to exceed \$50,000 total over the life of the contract. Moran seconded. Silvey clarified the motion that we have not promised up to \$50,000, we have promised to discuss up to \$50,000? Kapostasy stated that is correct. Motion carried unanimously.

Dan stated the 100 octane tank was inspected and is ok. The bill was paid from the IEA Operating Account.

The airport was inspected and has been certified for another year.

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Building project is on target with the Open House scheduled for June 15<sup>th</sup>.

The Glideslope Monitor is broken and un-repairable. A new one has been found for \$3,200. Dan requested permission to purchase the new monitor. Rauch stated funds are available from Airport Capital Fund (#114). Silvey motioned to allow the expenditure, paid from the county's capital fund in an amount not to exceed \$3,500. Tolson seconded. Moran asked if the monitor will be monitored 24 hours? Dan stated no, it is monitored from 6:00 a.m.–10:00 p.m. Flight Service knows it is unmonitored after those hours. Motion carried unanimously.

Dan stated he won the election for the Union Township Advisory Board. Betty Lee Cooper did lose the Commissioner's election.

### **Woolpert Engineering Report**

#### AIP-11

Creakbaum stated the AIP-11 Project is ready to close out. They need some miscellaneous paperwork, which they will get from Kim.

#### AIP-12

Creakbaum stated AIP-12 contains land acquisition for Beal and Bailey.

RSA Construction is underway.

#### Parallel Taxiway Design

A Disadvantaged Business Enterprise (DBE) Goal has to be advertised. Rauch will advertise.

Agreement Amendment #1 – Creakbaum requested approval of the First Amendment to Agreement for wetland mitigation of 0.56 acres in the amount of \$22,000. Tolson motioned to approve the agreement amendment for wetland mitigation. Silvey seconded. Silvey asked where are they going to do the mitigation? Creakbaum stated we had a wetland, several years ago, that we destroyed without mitigation. Mr. VanSickle was cited for that and he did an after the fact mitigation through an AIP project in Hendricks County. Both of us have lost the files. If there is left over acreage we can buy it, we can expand it or we can find a new site. We don't know what we are going to do yet. Silvey asked if the \$17,000 is for actual mitigation or the design of it? Creakbaum stated it is for the design of it. Silvey stated we are not sure where we are going to do the mitigation? Creakbaum stated a lot of this is to find out where the good space is. Silvey asked if the Hamilton County did own ground that was the right soil type would that be of any benefit to us? Creakbaum stated possibly but highly unlikely. You have to mitigate in the same drainage area. Motion carried unanimously.

#### AIP-13

Creakbaum stated the future AIP-13 project will be construction of the parallel taxiway with bids opening in July with the Grant this Fall. The FAA has given us a verbal amount of \$991,229 in 2006 to build the taxiway and \$842,105 in 2007. There is an estimated cost of \$1.7 million. The plans will have to be set up in 3 divisions. Approval of advertising can be approved at the June meeting.

### **Local Projects**

#### Tee Hangar Taxiway & RCO

Creakbaum requested approval of an invoice from Hunt Paving in the amount of \$79,251.03. Silvey motioned to approve pavement for Hunt Paving in the amount of \$79,251.03. Tolson seconded. Kapostasy asked Dan Montgomery if the bond agreement is done with Sullivan? Montgomery stated no, he is waiting for the soil compaction samples from Woolpert. Kapostasy asked how construction went on; our motion was that construction would not go on unless the Bond was completed before construction was authorized. Montgomery stated Hunt came out on

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Monday and has been working. Snyder stated Mike Evans did have a discussion with Hunt Paving, Dan Montgomery and Sullivan and Hunt agreed to go forward as long as they understood what was happening. Kapostasy asked Dan to have the Bond complete for the next meeting. Motion carried unanimously.

Airport Master Plan Drainage Report

Creakbaum stated the Master Plan Drainage Report will be ready next week. Moran asked when will the Board get a copy of it? Creakbaum stated they can provide a preliminary copy, but it has to be approved by Boone County.

Airport Master Plan

Creakbaum requested approval of an invoice from Woolpert in the amount of \$15,763.00 for the airport master plan. Tolson motioned to approve. Silvey seconded. Motion carried unanimously.

Creakbaum stated they have been asked to proceed with Phase 2 of the Master Plan. Creakbaum requested approval of the contract in the amount of \$49,000. Kapostasy stated this is a proposal to seek Council funding or wait for INDOT funding to proceed with Phase 2. We will need to make this subject to funding approval. Beaver stated the Master Plan is for the whole airport, he is concerned about the zoning plan, is that the same thing? Silvey stated it is a component. Creakbaum stated INDOT does have funding in 2007 of \$157,895 to update the master plan and in 2008 they have \$114,814.00 to update the Master Plan, Phase 2. We have been asked what project we would like as a year end back-up and we have told them the Master Plan, but that funding possibility is very slim. Snyder stated there are two things in planning – one is the Master Plan Update and the other is an ALP update. There are several components involved in each. The Master Plan Update is the most comprehensive with the most components. There are a lot of things that need to be described in detail to the FAA, which will happen in Phase 2. As part of the Master Plan Update, it involves an AOP update where we will be updating the plans, drawings, zoning, etc. Beaver stated he knows there is a Master Plan that is updated every year. He was volunteering county general money to make sure we get our zoning to where we need. What he does not want to see stop is meeting with people and coming to a consensus of what is the best land use. Kapostasy stated the request we had of Woolpert at the last meeting was that in the Board's mind \$250,000 will cover the entire process, \$50,000 does the first public meeting, environmental and lays out the entire plan. We have asked Woolpert to look at what is the next logical step to keep it moving. What is at issue now is whether or not the zoning components will be incorporated in the next step and whether the public hearings and engagement of Boone County will be an integral part of that. That is what is the county's main interest is in and that is very important. Beaver stated he does not want to see the zoning aspect held up waiting for federal money. Snyder suggested Aerofinity meet with Beaver to explain the process. Beaver asked when do you anticipate receiving additional state or federal money? Kapostasy stated we had hoped to receive 2006 monies in September, we are hearing that it is not slotted and we probably not have it this year. Beaver asked the Board to see if the zoning part of the Master Plan can be pushed forward, if not he will request County Council for funding for that portion so it does not stop moving forward.

**Secretary's Report**

2007 Budget Instructions

Rauch informed the Board that a copy of the 2007 County Budget instructions are in their meeting packets. Budgets are due to the Auditor June 30, 2006.

Boone County Highway Signs

Boone County has ordered the airport highway signs.

**Next Meeting** – June 1, 2006 with a pre-meeting at 5:30 p.m.

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**Other Business**

Moran stated there was recently an aviation accident in Bloomington that took the lives of five very talented young people. Moran asked everyone to remember these young people. General aviation accidents will generally occur within 2 miles of an airport. The accident location is almost exactly the same location, distance and laterally, where the school is being built by the Zionsville School Corporation to the south of Indianapolis Executive Airport. Moran stated the location of school is unacceptable. Moran stated he thinks the Zionsville School Corporation should rethink their decision and make this a motor pool or some other function rather than a school. Moran requested the Board, with all haste, insure that we will not fall victim to something such as this without being on the record. Also, people who purchase homes in that area, at either end of the runway, should sign a statement that they understand that there is an airport and airport operations. If we don't do something like that we will have to answer many requests by these residents as to why we didn't do something about it. Moran does not know what we can do, but it needs to be pursued. We should have people who intend to buy in those areas sign a statement that they will hold us harmless or they understand there is an airport. This airport has been in this location since the mid- 1950's and we need to protect it. We need to protect the county's investment. We need to fight any attempt by anybody that stifles our growth or holds us responsible simply because they did not know an airport was there.

Kapostasy stated in terms of the elementary school, the Board is on record as opposing the site of the elementary school. With respect to the housing developments both north and south of 146<sup>th</sup> Street we have objected, in writing, to the Indiana Department of Transportation (INDOT) to fight different developments, within the noise sensitive statutes. The Board is on record as to opposing development within the noise sensitive zone on any direction of the airport. In terms of pursuing other actions with respect to either of those two, the Board in prior discussions has concluded we have exhausted our immediate remedies. We have been cautioned by legal counsel to not randomly and without great forethought pursue any individual remedies on any of these topics to avoid legal action. We have also heard the question of the enforcement of the noise sensitive zone by Mr. VanSickle and others. The Board has considered Mr. VanSickle's and others advice of that we should take more active approach in enforcing the noise sensitive notification statutes. The Board has chosen to not engage in that business. We have had separate meetings with legal counsel to understand the noise sensitive statutes. The limits do not go out the full 7 miles of the ILS but they do go out 1 nautical mile from the edge of the airport property in every direction and 1500' from the side of the center line. The residential and school developments are within the noise sensitive zone and are subject to state law which requires their property deed to have those announcements attached to their deed. To this date the Board has not seen fit to enforce those. There is one item that has been brought to the Board's attention – when a developer files for a noise sensitive permit whether or not there needs to be separate signing of each person that buys a home in that situation. The law appears to be unclear and what we have reviewed it is not crystal clear that every homeowner needs to sign that. It is clear that their property will have that statement attached to it. At this point we don't know what else to do. Moran asked if Boone County is on board with that type of thing with their developers? When they approve a subdivision do they make it crystal clear that any intended purchaser would be required to sign such a statement? Kapostasy stated the developer signs a statement, Boone County Commissioners and Boone County Planning have been very helpful in making sure that those who propose development in the noise sensitive zone apply for those permits from INDOT. This Board receives copies of that and we get notice from INDOT when the permits are approved. It is signed by the developer that they understand what the law is. It is the follow-up action of whether that is attached to the deed filed in the county courthouse, we don't enforce that. The question of whether each individual homeowner and if it is attached to their deed, as the property is broken up, we don't pursue that either. Moran stated during their annexation issues regarding sewer hook-up with Fishers, a judge told them that a developer can not obligate an individual's responsibility in the future. Therefore it had to be a separate sheet during the closing. If we don't do that we will constantly be fighting noise complaints. Silvey stated right now state statute is silent and does not clearly delineate that. When you are comparing it to sewer hook-up, there are



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statutes that are very definitive on what can and can not be done. We need to go to the State legislators and have the law cleaned up. Kapostasy stated the statute is very clear in terms of the developer attaching that covenant to the property in perpetuity. In legal terms it is as if the individual homeowner has signed it. In practical terms will the homeowner know that or will it be in the stack of other documents and will they claim they did not know what was going on. That is what we don't have a solution for. Moran stated he thinks it could be worked out, we could make a presentation to Boone and Hamilton counties to authorize such a statement to protect us. Snyder stated Mike Andreoli indicated that Boone County is creating a committee to review the use of properties around the airport and he suggests that this community participate in that to identify if we need to recommend special provisions that would help clarify and put additional easement controls on it, whether they are navigational or identification and how that will go forward, eventually to the buyer. Kapostasy stated we have proposed to Boone County an overlay zone as well as the addition of individual homeowner signings and they have not responded to those two requests. Kapostasy stated there might be value of us asking legal counsel to send a letter to Boone County asking them to allow us to appoint a representative to any airport zoning or airport overlay committee. Moran so moved. Tolson seconded. Motion carried unanimously.

Kapostasy asked if it makes sense for this Board to more actively pursue the issue of individual homeowners attachment to their deeds. In the past we have discussed two options – one was for the airport manager be assigned to check these every month or every quarter or two – request Boone County provide us a summary quarterly or annually so we could monitor it. We have not taken any action. Silvey stated he would like legal counsel's thoughts on this before we make any decision.

Ray VanSickle stated he has brought up the subject of approaching Drees to go for the same zoning as the Producer's Realty property. VanSickle has spoken with an industrial developer that would be willing to come in and pick it all up right now. Mike Andreoli has been approached by this developer and asked if he would consider it. This Board is in a position to twist Andreoli's arm to get what you need and want for the airport. You don't need 350 homes from the Drees addition harassing this Board. What is in the commitments and what the Boone County Commissioners have put into the commitments, they do have to sign a separate sheet at the time of purchase. He understands these requirements were to be put in with The Willows and KB Homes. He has looked at The Willows and the people he has spoken with had no idea there was an airport around. This is where Metropolitan Airport ran into problems. This statement, that was supposed to be signed by each individual homeowner, was hidden in the covenants. VanSickle stated he has suggested that a noticed be filed on each lot, which should follow each property transfer.

Kapostasy adjourned the meeting. [8:55]

HAMILTON COUNTY BOARD OF AVIATION COMMISSIONERS  
MAY 4, 2006

**Present**

Tom Kapostasy, President  
Don Silvey, Vice President  
Tim Tolson, Member  
Ted Moran, Member  
Michael Howard, Attorney  
Kim Rauch, Secretary  
Brad Beaver, Council Liaison  
Larry Creakbaum, Woolpert Engineering  
Chris Snyder, Woolpert Engineering  
Dan Montgomery, Montgomery Aviation  
Andie Montgomery, Montgomery Aviation  
Carl Winkler, Montgomery Aviation  
Nedra Moran, Indianapolis  
Ramon VanSickle, Zionsville  
Adam Cheslyn  
Adam Bragg  
Cody Dezedan  
Brendan Hughes  
Holt Harting  
Lisa Konishe  
Janet Gahis  
Katie Henderson  
Ray Rice

APPROVED

\_\_\_\_\_  
Tom Kapostasy, President

Date: \_\_\_\_\_

ATTEST

\_\_\_\_\_  
Kim Rauch, Secretary

Date: \_\_\_\_\_